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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,604	01/24/2002	Rosa O. Kelson	13575:10	2927

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EXAMINER

BREVARD, MAERENA W

ART UNIT	PAPER NUMBER
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3727

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DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,604

Applicant(s)

Examiner

Maerena W. Brevard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for adjusting the length of the carrying strap (Claims 4, 10, and 17) must be shown or the feature canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In both claims 2 and 9, it is unclear to what the at least one carrying strap is detachably joined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 2, 7, 8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Groves.

Groves discloses a device for carrying an object comprising:

- A cradle (18, Figures 1 and 2);
- At least one carrying strap (14) attached to the opposing ends of the cradle and forming a lifting point;
- At least one restraining strap (16);
- The at least one carrying strap is detachably joined to form a single lifting point, to the same degree claimed; and
- The device when empty folds into a compact configuration (Figure 5).

Regarding claims 8 and 13, the method for carrying an object is inherent with the use of the device.

6. Claims 1, 2, 4-12, 14, 15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsh, Jr.

Marsh discloses a device for carrying an object comprising:

- A cradle (Figure 6);
- At least one carrying strap (94) attached to the opposing ends of the cradle and forming a lifting point;
- At least one restraining strap (98);
- Means for adjusting (96) the length of the at least one carrying strap;
- Means for adjusting (Column 5, lines 2-5) the length of the at least one restraining strap;

- There are two restraining straps, one strap located near the cradle (Figure 6); and
- When empty the device is capable of folding into a compact configuration, to the same degree claimed.

Regarding claims 8-12, the method for carrying an object is inherent with the use of the device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groves in view of Smithey.

Groves discloses all of the limitations of the claim except the device comprising a handle at the lifting point. However, Smithey teaches a handle on the carrying straps. It would have been obvious to attach the handle of Smithey on the carrying straps of Groves. Doing so would provide additional reinforcement for the carrying straps.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groves in view of Marsh, Jr.

Groves discloses all of the limitations of the claim except a plurality of restraining straps. However, Marsh teaches a system having a plurality of restraining straps (98, 100). It would have been obvious to provide additional restraining straps to the system of Groves as taught by

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Marsh. Doing so would provide a more secure means of retaining objects of varying sizes within the cradle.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groves in view of Marsh, Jr. as applied to claim 14 above, and further in view of Smithey.


The modified system of Groves teaches all of the limitations of the claims except the system comprising a handle at the lifting point. However, Smithey teaches a handle on the carrying straps. It would have been obvious to attach the handle of Smithey on the carrying straps of the modified system of Groves. Doing so would provide additional reinforcement for the carrying straps.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hogan, Kahn, and Sutton are cited for devices for carrying objects.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


GREGORY M. DOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Maerena Brevard
February 5, 2004